

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 527, CUTTACK, THURSDAY, MARCH 7, 2024/FALGUNA 17, 1945

HOME (ELECTIONS) DEPARTMENT

NOTIFICATION

The 12th February, 2024

No.1466—EC-CON-MISC-0008-2020-/Elec.— The following order issued by Election Commission of India, New Delhi is hereby republished in the Gazette of Government of Odisha for general information.

NIKUNJA BIHARI DHAL
Chief Electoral Officer, Odisha

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi

No.76/OD-LA/2021(Bye)/CEMS-IV

31ST January, 2024
11 Magha, 1945, (Saka)

ORDER

WHEREAS, the Bye Election for 46-Dhamnagar (SC) Assembly Constituency of Odisha, 2022 was held in pursuance of the Election Commission of India Notification **No.100/OR-LA/02/ES-II/2022 dated 7th October, 2022**; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer, an account of his election expenses which shall be true copy of the account kept by him or his election agent under Section 77 of the said act; and

WHEREAS, the result of the said election for 46-Dhamnagar (SC) Assembly Constituency of Odisha, was declared by the Returning Officer on 6th November, 2022 and hence the last date for lodging the account of Election Expenses was 5th December, 2022; and

WHEREAS, as per the report submitted by CEO, Odisha vide their letter no. **VE(A)-75/2022-10078/Elec. dated 23rd December, 2022, Sh. Baba Harekrushna Sethy**, a contesting candidate from 46-Dhamnagar (SC) Assembly Constituency of Odisha, 2022 has failed to lodge account of his election expenses, as required under law; and

WHEREAS, on the basis of the said reports of the District Election Officer, a Show-Cause notice No. **76/OD-LA (Bye)/2021/CEMS-IV** dated 19th January, 2023 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to **Sh. Baba Harekrushna Sethy**, for not lodging of account of Election Expenses; and

WHEREAS, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Election Rules, 1961, **Sh. Baba Harekrushna Sethy**, was directed to submit representation in writing to the Commission explaining the reasons for not lodging the account and also to lodge account of election expenses with the District Election Officer, Bhadrak, within 20 days from the date of receipt of the notice; and

WHEREAS, as per the report submitted by the DEO, Bhadrak vide letter no **91/Elec dated 08.02.2023** and forwarded by the Chief Electoral Officer, Odisha vide his letter no. **VE(A)75/2022-1398/Elec. Dated 13th February, 2023** has informed that said notice was served to **Sh. Baba Harekrushna Sethy** on **29.01.2023**; and

WHEREAS, the District Election Officer, Bhadrak in his Supplementary Report vide letter no. **761/Elec. dated 01.11.2023** forwarded by the Chief Electoral officer, Odisha vide his letter No. **VE(A)75/2022-11241/Elec. Dated 6th November, 2023** has reported that **Sh. Baba Harekrushna Sethy** has neither submitted any representation nor any statement of account of election expenses even after receipt of the show Cause Notice dated 19th January, 2023 of the Election commission of India; and

WHEREAS, after receipt of the said notice, **Sh. Baba Harekrushna Sethy** has neither furnished any reason nor any explanation to the Election commission of India , for failure to lodge the account of election expenses as prescribed to do so; and

WHEREAS, on the basis of facts and available records, the Commission is satisfied that **Sh. Baba Harekrushna Sethy** has failed to lodge account of

election expenses and has not furnished any reason or justification for the failure to do so; and

WHEREAS, Section 10A of the Representation of the People Act, 1951 provides that:-

***“ If the Election Commission is satisfied that a person-
(c) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
(d) has no good reason or justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.”***

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **Sh. Baba Harekrushna Sethy, resident of village – Shyampur, P.O.- Dhamnagar, District- Bhadrak, Odisha-756117**, a contesting candidate from 46-Dhamnagar (SC), Assembly Constituency of the State of Odisha in the Bye Election, 2022 to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order.

By Order,

**(BINOD KUMAR)
SECRETARY
ELECTION COMMISSION OF INDIA**